

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 71 of the Private Housing
(Tenancies)(Scotland) Act 2016**

Chamber Ref: FTS/HPC/CV/23/0768

Re: Property at 14 Alder Road, Cumbernauld, G67 3AF (“the Property”)

Parties:

Apex Asia Properties Ltd, 143 Station Rd, Hampton, TW12 2AL (“the Applicant”)

**Mr Danuel Reid, Miss Bethany Gahagan, 68 Burns Road, Cumbernauld, G67
2BF (“the Respondent”)**

Tribunal Members:

Gabrielle Miller (Legal Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for payment from the Respondents for £2721.68 (TWO THOUSAND SEVEN HUNDRED AND TWENTY ONE POUNDS AND SIXTY EIGHT PENCE) with interest at 8% per annum from the date of this decision which is 18th May 2023.

Background

1. An application was received by the Housing and Property Chamber dated 8th March 2023. The application was submitted under Rule 111 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not maintaining rent payments and was seeking a payment order for £2721.68 plus interest at 8% per annum.
2. On 12th April 2023 all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th May 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 3rd May 2023.

3. On 13th April 2023, sheriff officers served the letter with notice of the CMD date and documentation upon both of the Respondents. This was evidenced by Certificate of Intimation dated 13th April 2023.

The Case Management Discussion

4. A CMD was held 18th May 2023 at 2pm by teleconferencing. The Applicant was represented by Mr Tommy Turner, Finance Manager, Dyer and Co Property. Mr Sam Dyer was present observing the CMD but did not contribute to the CMD. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make representations in advance of the CMD.
5. Mr Turner told the Tribunal that the Respondents left the Property on 3rd October 2022. Mr Turner said that the Second Named Respondent, Ms Gahagan, emailed on 5th September 2022 to say that the Respondents would work to a payment plan. On 8th September 2022 the First Named Respondent, Mr Reid, emailed the letting agent to say that the arrears would be paid at ideally £100 per month. There was one payment of £50 made on 20th October 2022 from the Respondents. A payment plan had not been agreed and no other payments been made since. Mr Turner said that the Respondents did receive a small amount of Universal Credit each month but he did not know of any further payments of Universal Credit that were to be made.
6. The Tribunal was satisfied that the outstanding amount for £2721.68 was due to the Applicant by the Respondent and that it was appropriate to grant an order accordingly with interest at 8% per annum from the date of the decision.

Findings and reason for decision

7. A Private Rented Tenancy Agreement commenced 6th May 2019.
8. The Respondents persistently failed to pay their rent charge of £625 per month. The rent payments were due to be paid on 6th day of each month.
9. There are no known outstanding Universal Credit issues.
10. The arrears sought total £2721.68 plus interest at 8% per annum.
11. The Respondents both emailed in September 2022 stating that they would pay the arrears. One payment of £50 was paid on 20th October 2022. There have been no further payments to the arrears by the Respondents.
12. On 17th November 2022, the deposit was returned to the Applicant and applied in full to the arrears. The deposit was £625. The arrears at that point were £3346.68. After the deposit was applied the arrears were reduced to £2721.68.

Decision

13. The Tribunal found that the Applicant was entitled to be granted an order for payment amounting to £2721.68 with interest at 8% per annum from the date of this decision.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

G Miller

18th May 2023

Legal Member/Chair

Date